

Clark, Cynthia (Bridge)

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, November 21, 2006 2:38 PM
To: Clark, Cynthia (Bridge)
Cc: 'William McMahan'; 'Judd McMahan'
Subject: RE: Rhythm Ranch Homeowners Association



Ralph Girton's
Affidavit 11-21...

Cynthia,

Attached is the Affidavit of Ralph Girton responding to your requests. I hope this information together with the materials submitted with the Petition for Reconsideration is sufficient for IDWR to concur with Brockway Engineering's calculations of the acreage irrigated during the time period of 1984 to 1988. Please call if you have any questions. I will mail you the original of the Affidavit to place in your files.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
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Ketchum, ID 83340
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-----Original Message-----

From: Clark, Cynthia (Bridge)
Sent: Monday, November 20, 2006 11:57 AM
To: Jim Speck (E-mail)

Jim,

You requested additional time to obtain information regarding the Rhythm Ranch Homeowners Association water rights (37-21229, 37-21231, 37-21233, 37-21235, and 37-21237) and transfer no. 71145. As you know the preliminary order approving the transfer was withdrawn on April 6, 2006. In a letter dated October 19, 2006, the department requested additional information clarifying the historical irrigation practices on the place of use considered in the transfer. You are probably aware that the Department plans to issue the Basin 37 Director's Report on December 15, 2006. Since we don't have additional information to consider at this time, the

department can either generate recommendations based on the water rights prior to submittal of the transfer, or re-issue a preliminary order approving the transfer as issued on March 2, 2006. In the later case, recommendations based on the original transfer approval may be generated if a petition for reconsideration is not submitted within the 14-day filing period. If you can provide additional information by Wednesday, November 22, 2006, we will take the information into consideration prior to issuing a new preliminary order approving the transfer. I would like to be able to issue the new approval by November 27, 2006 to provide for the period of reconsideration before the Director's Report is issued.

Since you are aware of the department's evaluation of the rights, preliminary recommendations will not be issued for these rights. Please let me know whether you intend to provide new information this week.

Thank you,
Cynthia

Cynthia Bridge Clark, P.E.

Staff Engineer, Water Allocation Bureau
Idaho Department of Water Resources
Phone (208) 287-4946
Fax (208) 287-6700
cynthia.clark@idwr.idaho.gov

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9:20 PM

Claimants Name:

Rhythm Ranch Homeowners Association

Attorney Name & Address:

**James P. Speck
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A Professional Corporation
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(208) 726-4421
FAX: (208) 726-0752**

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

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AFFIDAVIT OF RALPH GIRTON

DESCRIPTIVE SUMMARY

This is an affidavit in support of the claimed irrigated acres under Claims 37-21229, 37-21231, 37-21233, 37-21335 and 37-21337.

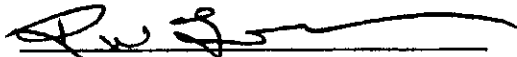
AFFIDAVIT

STATE OF IDAHO)
)
COUNTY OF BLAINE) SS.

I, RALPH GIRTON, being duly sworn, under oath, depose and state as follows:

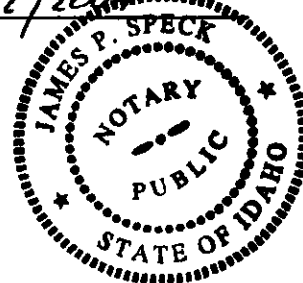
1. I am the owner of Cal-Pacifico of California which owned and farmed the parcel outlined in red on **Exhibit A** for a period of time that included 1984 through 1988. I still live on the land immediately North of this parcel.

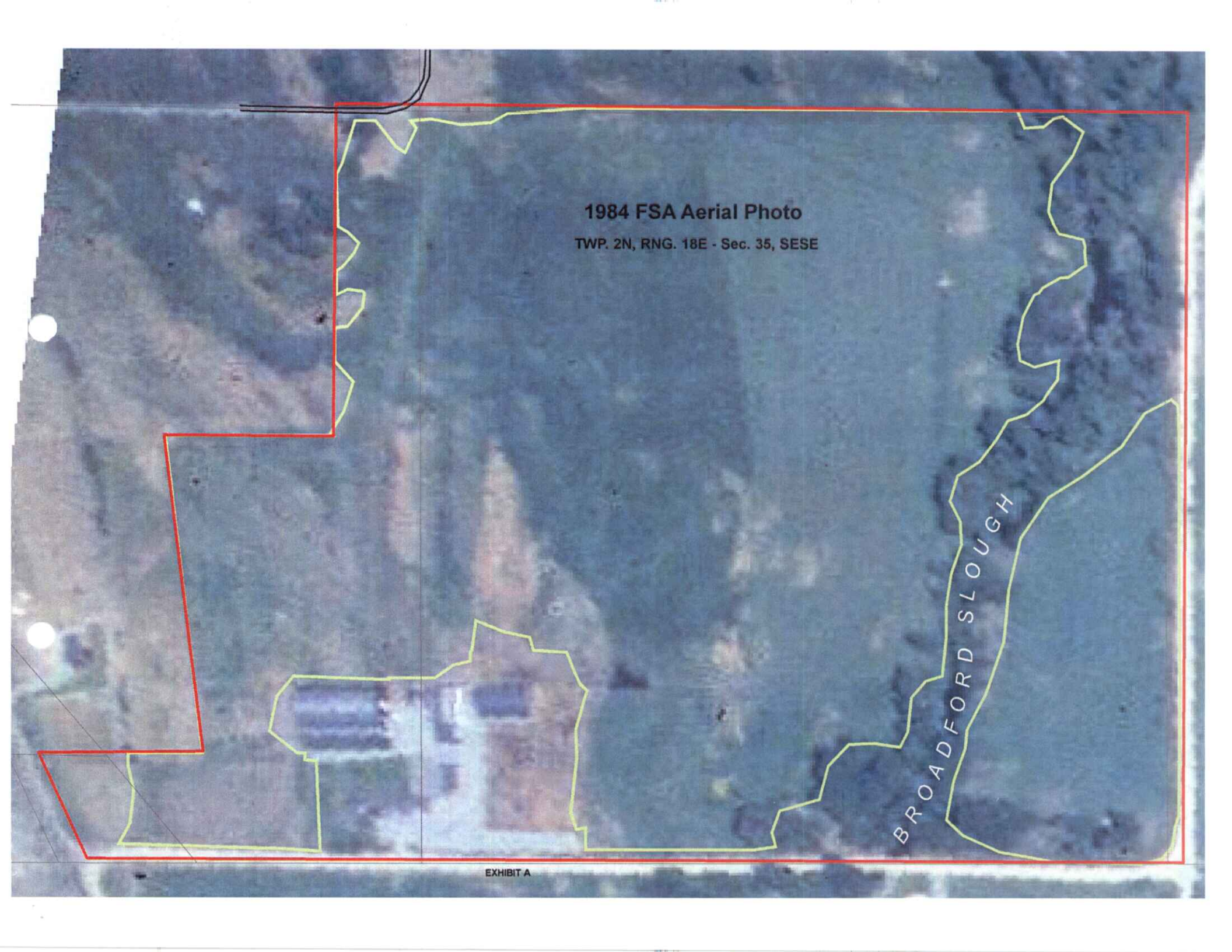
2. During the period from 1984 through 1988 we irrigated all of the land outlined in yellow on **Exhibit A** by wheel lines and hand lines to grow hay. At some point during this time period we stopped irrigating the small area in the Southwest corner as it was used for other purposes, but there was never any intent to permanently give up the water rights to irrigate that area.


RALPH GIRTON

SUBSCRIBED AND SWORN to before me this 21 day of November, 2006.


Notary Public for Idaho
Residing at: Blaine County, ID
Comm. Expires : 1/22/2008





1984 FSA Aerial Photo
TWP. 2N, RNG. 18E - Sec. 35, SESE

This is an aerial photograph from 1984 showing a wetland area. A red line outlines a large, irregular polygon that covers most of the image. Inside this red boundary, there is a yellow line that follows a more complex, irregular path. The area between the red and yellow lines appears to be a mix of open water and marshland. In the lower-left portion of the image, there is a small, rectangular structure, possibly a building or a small pond, surrounded by a yellow boundary. The overall color palette is dominated by dark blues and greys, suggesting water and dense vegetation.

BROADFORD SLOUGH